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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 GARY WALLACE,

9 Petitioner,

2:15-cv-00811-JCM-VCF

10 vs.

**ORDER**

11 ATTORNEY GENERAL, *et al.*,

12 Respondents.  
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15 This action is a petition for a writ of habeas corpus by Gary Wallace, who apparently was  
16 incarcerated when he initiated the action. Wallace submitted what the court understood to be a  
17 petition for a writ of habeas corpus (ECF No. 1) on April 29, 2015, but did not pay the \$5.00 filing  
18 fee or submit an application to proceed *in forma pauperis*. On May 18, 2015, the court ordered  
19 Wallace to pay the filing fee or submit an application to proceed *in forma pauperis*, and granted him  
20 30 days to do so (ECF No. 2). The court warned that failure to comply with that order would result  
21 in dismissal of his action. Wallace did not, during the time allowed, pay the filing fee or submit an  
22 application to proceed *in forma pauperis*. Therefore, on July 2, 2015, the court ordered the action  
23 dismissed, and judgment was entered accordingly (ECF Nos. 3, 4).

24 On July 6, 2015, Wallace filed a notice of change of address (ECF No. 5), indicating that  
25 he was no longer incarcerated, and providing a mailing address in North Las Vegas, Nevada. On  
26 July 6, 2015, Wallace also filed an application to proceed *in forma pauperis* (ECF No. 6). The court

1 denied that application to proceed *in forma pauperis* on July 16, 2015 (ECF No. 8). The court also  
2 treated Wallace's July 6 filings as including a motion for relief from judgment under Federal Rule of  
3 Civil Procedure 60(b), and denied that motion as well. Wallace filed a notice of appeal on August 3,  
4 2015 (ECF No. 9). The court of appeals denied Wallace a certificate of appealability on October 30,  
5 2015 (ECF No. 11).


6 On November 30, 2015, Wallace filed an "Application to Proceed in District Court without  
7 Prepaying Fees or Costs" (ECF No. 15), and a further notice of appeal (ECF No. 14). In an order  
8 entered December 2, 2015, the court denied Wallace's November 30, 2015, motion for leave to  
9 proceed *in forma pauperis*, noting that the judgment in the case is final, and the case is closed, and  
10 stating that no further proceedings are anticipated (ECF No. 16).

11 On December 11, 2015, Wallace filed two untitled documents (ECF Nos. 17, 19). Those  
12 documents are largely unintelligible and the court cannot discern Wallace's intention in filing in  
13 them. At any rate, neither document seeks any relief that may be granted by this court -- particularly  
14 in light of the fact that the judgment dismissing this case is final, and this case is closed. Wallace  
15 also submitted \$5 to the court, apparently in a belated attempt to pay the filing fee. As this case is  
16 closed, and the payment futile, the court will order the clerk of the court to refund the \$5 to Wallace.  
17 If Wallace remains of the belief that he is entitled to federal habeas corpus relief, and wishes to  
18 pursue such relief, he must initiate a new action in this court. The court will direct the clerk of the  
19 court to accept no further filings in this action.

20 **IT IS THEREFORE ORDERED** that the clerk of the court shall refund to the petitioner the  
21 \$5 payment he made on December 11, 2015 (ECF No. 18).

22 **IT IS FURTHER ORDERED** that the clerk of the court shall accept no further filings in  
23 this action.

24 Dated December 23, 2015.

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UNITED STATES DISTRICT JUDGE